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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,288	03/31/2006	Marc Gansemans	288837US6PCT	7153
22850	7590	11/10/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
SPAHN, GAY				
ART UNIT		PAPER NUMBER		
3635				
NOTIFICATION DATE		DELIVERY MODE		
11/10/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/574,288

Applicant(s)

GANSEMANS, MARC

Examiner

Gay Ann Spahn

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006 and 24 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____
- 7) ☐ Paper No(s)/Mail Date 07 December 2006

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of GROUP I (i.e., claims 11-15) in the reply filed on 24 October 2008 is acknowledged.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 23 October 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Drawings

The drawings are objected to because:

(1) "Figure 1" should be deleted since according to 37 CFR 1.84(u)(1), last sentence, "[w]here only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear";

(2) the reference numerals cannot be enclosed within circles according to 37 CFR 1.84(p)(1);

(3) the foamed core (3) has thin diagonal lines therein which is the cross-sectional symbol for metal according to the Manual of Patent Examining Procedure (MPEP) § 608.02 IX, entitled "Drawing Symbols" and it should be changed to the cross-sectional symbol for "Foam-Synthetic Resin";

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(4) the ends of the panels (4, 4') should have "line breaks" to indicate the panels are shown in a partial view;

(5) the "box" around the panels (4, 4') should be deleted;

(6) the "dots" at the end of the lead lines leading from reference numerals "10" and "11" should be deleted;

(7) the lines used for "cavity" (12, 13) is the way to show dimension, not the correct way to show a cavity; and

(8) the arrows below panels (4, 4') should be given lead lines leading to a reference numeral and explained in the specification or else deleted.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

(1) reference characters "10" and "12" have both been used to designate the upper "cavity"; and

(2) reference characters "11" and "13" have both been used to designate the upper "cavity".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities:

- (1) the headings discussed above in the "Arrangement of the Specification" must be inserted into the specification;
- (2) page 8, line 18, the British spelling of "moulding" should be changed to the U.S. spelling of -molding--;
- (3) page 8, line 32, the British spelling of "mould" should be changed to the U.S. spelling of -mold--;

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(4) page 9, lines 1 and 10, the British spelling of "mould" should be changed to the U.S. spelling of --mold--;

(5) page 9, line 25, both occurrences of the British spelling of "moulding" should be changed to the U.S. spelling of --molding--;

(6) page 10, line 4, if the last word is "must", it should be amended to make this clear as the word is distorted and many of the words at the end of the lines on page 10 are distorted and should be amended where not clear;

(7) page 11, line 24, the word --core-- should be inserted at the end of the line since reference numeral "3" represents the foam core;

(8) page 11, line 25, the word "section" should be changed to --panel-- as reference numeral "4" represents the panel;

(9) page 11, line 27, the word "section" should be changed to --panel-- as reference numeral "4" represents the panel;

(10) page 11, line 34, the word French word "et" should be changed to the English word --and--;

(11) page 11, line 36, reference numerals "6" and "8" represents the ends so it is believed the word "points" should be changed to --ends--; and

(12) page 12, line 3, the British spelling of "centre" should be changed to the U.S. spelling of --center-- and the "S" should be changed to --S-shape-- or similar.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

More particularly, since the manufacturing process and use have been restricted out of the application, the title should only reflect the insulating panel.

Since many examiners use the title of the invention for searching purposes, the examiner suggests that Applicants amend the title of the invention to one that is clearly indicative of the patentable feature of the invention. However, should Applicants choose not to amend the title of the invention, the examiner will amend the title of the invention at the time of allowance, if any (pursuant to the Manual of Patent Examining Procedure (MPEP) § 606.01, wherein it states that "[i]f a satisfactory title is not supplied by the applicant, the examiner may, at the time of allowance, change the title by examiner's amendment.").

Claim Objections

Claims 11-15 are objected to because of the following informalities:

(1) **claims 11-15**, according to the Manual of Patent Examining Procedure (MPEP), § 608.01, entitled "Form of Claims", "[w]hile there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with 'I (or we) claim,' 'The invention claimed is' (or the equivalent)" and therefore, the centered "CLAIMS" at the top of page 13 should be changed to "I claim:" or "The invention claimed is:" or similar.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11, lines 6-7, the recitation of "the panel and complementary panel" is vague, indefinite, and confusing as lacking antecedent basis and the examiner suggests that the word --a-- be inserted between the words "and" at the end of line 6 and "complementary" at the beginning of line 7 for proper antecedent basis to show that a new panel is being introduced.

Claim 11, line 7, the recitation of "they" is vague, indefinite, and confusing as lacking antecedent basis since it is not clear what "they" is referring back to.

Claim 11, line 7, the recitation of "their assembly system" is vague, indefinite, and confusing as lacking antecedent basis since it has not been established that the complementary panel has an assembly system.

Claim 13, line 2, the recitation of "the expanded plastic core" is vague, indefinite, and confusing as lacking antecedent basis for not clearly referring back to "an injected/foamed plastic" introduced in claim 1, line 2.

Claim 13, lines 2-3, the recitation of "the two layers of non-expanded plastic" is vague, indefinite, and confusing as lacking antecedent basis for not clearly referring back to the "two layers of non-expanded material" introduced in claim 1, lines 2-3.

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Claim 15, line 2, the recitation of “they” is vague, indefinite, and confusing as lacking antecedent basis since it is not clear that this is referring to the panel and the complementary panel.

Claim 15, line 2, the recitation of “the two complementary panels” is vague, indefinite, and confusing as lacking antecedent basis and the examiner suggests amending to --the panel and the complementary panel-- for clear antecedent basis.

Claim 15, lines 2-3, the recitation of “their assembly system” is vague, indefinite, and confusing as lacking antecedent basis since it has not been established that the complementary panel has an assembly system.

Claim 15, line 3, the recitation of “two cavities” is vague, indefinite, and confusing as lacking antecedent basis since it is not clear if this is introducing two new cavities or if the cavity introduced in claim 1 is one of the two cavities.

Claim 15, line 3, the recitation of “the assembly” is vague, indefinite, and confusing as lacking antecedent basis since no assembly has been previously introduced.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12, 14, and 15 rejected under 35 U.S.C. 102(b) as being anticipated by HOLMGREN ET AL. (U.S. Patent No. 3,583,123).

As to claim 11 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLMGREN ET AL. disclose a multilayer insulating panel comprising:

an injected/foamed plastic core (16) incorporated between two layers (14, 15) of non-expanded material (see col. 2, lines 50-53); and

an integrated assembly system (33/36, 34/36, 76) allowing the panel (12) and at least one other complementary panel (12) to be assembled in at least one dimension in space,

wherein the panel (12) and its assembly system (34/36, 34/36, 76) are of a form that, when the panel (12) and complementary panel (12) are assembled, they delimit with their assembly system (34/36, 34/36, 76) at least one adjustable cavity (see trapezoidal-shaped cavities) configured for injecting a seal, the cavity (see trapezoidal-shaped cavities) widening at least partly towards the inside of the panel (12).

As to claim 12 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLMGREN ET AL. disclose the multilayer insulating panel of claim 11 as discussed above, and HOLMGREN ET AL. also discloses that the panel (12) is mainly made of plastic (see col. 2, lines 51-55, wherein it states polyurethane plastic foam core and reinforced plastic sheet facing material).

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As to claim 14 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLMGREN ET AL. disclose the multilayer insulating panel of claim 11 as discussed above, and HOLMGREN ET AL. also discloses that the assembly system (34/36, 34/36, 76) includes two identical plastic sections (34/36, 34/36 – see col. 2, line 53, wherein it states “reinforced plastic sheets” so that 34/36 is also plastic) located on either side of the panel (12) in a lengthwise direction.

As to claim 15 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLMGREN ET AL. disclose the multilayer insulating panel of claim 11 as discussed above, and HOLMGREN ET AL. also discloses that once the panels (12, 12) have been assembled, the two complementary panels (12, 12) and their assembly systems (34/36, 34/36, 76) delimit two cavities (see trapezoidal-shaped cavities), one on each face (upper face, lower face) of the assembly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over HOLMGREN ET AL. in view of RUDDEN (U.S. Patent No. 6,298,626).

As to claim 13 (and as best understood despite the 35 U.S.C. § 112, second paragraph, indefiniteness discussed above), HOLMGREN ET AL. disclose the multilayer insulating panel of claim 12 as discussed above, and HOLMGREN ET AL. also discloses that the expanded plastic core (16) is made of polyurethane (see col. 2, line 55) and the two layers of non-expanded plastic (see col. 2, line 53 - reinforced plastic facing sheets) are made of rigid plastic (reinforced plastic sheets).

HOLMGREN ET AL. fail to explicitly disclose that the two layers of non-expanded plastic are made of rigid PVC.

RUDDEN discloses that is it well known in the art to make a panel having a foamed insulating core (18) with and outer facing (14) of PVC (see col. 3, line 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the multilayer insulating panel of HOLMGREN ET AL. by making the outer plastic layer of rigid PVC as taught by RUDDEN in order to provide a panel having an effective and efficient exterior for a house of other building that is strong and will prevent moisture from passing therethrough to the insulating core.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is

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(571)-272-7731. The examiner can normally be reached on Monday through Friday, 10:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)-272-6777. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gay Ann Spahn/
Gay Ann Spahn, Primary Examiner
October 30, 2008